

Docket No.  
4492P1260US



# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**Automated Chemical Management System Executing Improved Electrolyte Analysis Method**

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on August 16, 2001 as United States Application No. or PCT International

Application Number 09/931,268

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

PCT/US99/09659

05/05/1999

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

09/387,084

08/31/1999

Pending

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

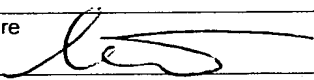
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*


Harry M. Cross, Jr. Reg. No. 22,229

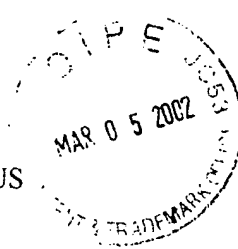
Robert B. Polit Reg. No. 33,993

Send Correspondence to: **Robert B. Polit**  
**Polit & Associates**  
**3333 Warrenville Road, Suite 520**  
**Lisle, Illinois 60532**

Direct Telephone Calls to: *(name and telephone number)*  
**Robert B. Polit (630) 505-1460**

Full name of sole or first inventor <b>Linlin Chen</b>	
Sole or first inventor's signature 	Date
Residence <b>Plano, TX 75025</b>	
Citizenship <del>US</del> <b>L.C.</b> <b>Canada</b>	
Post Office Address	

Full name of second inventor, if any <b>Lyndon W. Graham</b>		
Second inventor's signature		
Residence <b>Hillsborough, OR 97123</b>		
Citizenship <b>US</b>		
Post Office Address		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chen, Linlin; Graham, Lyndon W.

For: Automated Chemical Management System Executing Improved  
Electrolyte Analysis Method

The specification of which was filed on August 16, 2001, as Application Serial No. 09/931,268.

**STATEMENT BY PERSON HAVING FIRST HAND KNOWLEDGE  
THAT NONSIGNING INVENTOR WAS EMPLOYEE OR OTHERWISE  
OBLIGATED TO PERSON WITH SUFFICIENT PROPRIETARY INTEREST  
WHEN INVENTION MADE**

I. I, Robert B. Polit, of Polit & Associates, LLC, having offices at 3333 Warrenville Road - Suite 520, Lisle, IL 60532, make this statement in support of Semitool's right to file the above-captioned application on behalf of Lyndon W. Graham, a nonsigning inventor.

II. I am outside counsel for Semitool, Inc., the assignee of the entire interest in and to this application. I have both written and read this application and am thoroughly familiar with its content.

III. I confirm that I have first hand knowledge that the nonsigning inventor, Lyndon W. Graham, participated in the making of the invention(s) set forth in the above-captioned application while in the employ of Semitool, Inc. and that he was and is obligated to assign the invention so made.

**CERTIFICATE OF MAILING/TRANSMISSION 37 C.F.R. section 1.8(a)**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

Date:

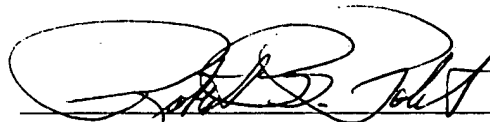
2/19/02

Signature

Janine E. Rauch

(type or print name of person certifying)

Date: 2/19/02

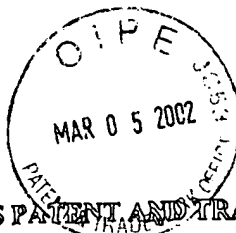


**Robert B. Polit - 33,993**  
Polit & Associates, LLC  
3333 Warrenville Road – Suite 520  
Lisle, Illinois 60532  
(630) 505-1460  
(630) 505-1464 (Fax)



 OF PAPERS  
ORIGINALLY FILED

Practitioner's Docket No. 4492P1260US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Limlin Chen, Lyndon W. Graham

For: Automated Chemical Management System Executing Improved  
Electrolyte Analysis Method

The specification of which was filed on August 16, 2001, as Application No. 09/931,268.

STATEMENT OF FACTS IN SUPPORT OF FILING  
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. SECTION 1.47)

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor, Lyndon W. Graham, for the above identified patent application in response to the Notice to File Missing Parts, dated September 17, 2001.

This statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by an available person having first-hand knowledge of the facts recited therein.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Janice R. Pike  
655 West Reserve Drive  
Kalispell, MT 59901

LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

Lyndon W. Graham  
1937 SE Morgan Road  
Hillsboro, OR 97123

DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

I am a legal assistant employed in the Intellectual Property department of Semitool, Inc., the assignee of the entire interest in the above-captioned application and have first-hand knowledge of the following facts.

Upon receiving the attached "Notice to File Missing Parts", a Declaration was prepared by our outside counsel, Polit & Associates, LLC.

After receiving the "Declaration and Power of Attorney" from our outside counsel, I proceeded to send the document by Federal Express for execution by Mr. Graham at the above-captioned address. The Federal Express communication was sent to Mr. Graham on Oct. 8, 2001. Copies of the Declaration and the corresponding cover letter are attached hereto.

Mr. Graham failed to respond to the Federal Express communication of October 8. Consequently, a further copy of the Declaration and corresponding cover letter were sent by Federal Express for execution by Mr. Graham on January 21, 2002. Copies of these documents are also attached.

Mr. Graham failed to respond to the second communication. As such, I made several attempts to contact him at the telephone number Mr. Graham provided Semitool prior to leaving the company. I was unable to reach him at that number.

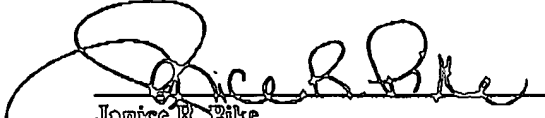
**DETAILS OF REFUSAL OF NONSIGNING INVENTOR  
TO SIGN APPLICATION PAPERS**

Mr. Graham has failed to contact me concerning the signing of the Declaration for this application. I am not aware of any reason why he would not sign the document.

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE  
OR PRESERVE THE RIGHTS OF THE PARTIES**

If the petition filed concurrently herewith is not granted, the application will become abandoned for failure to respond to the Notice the File Missing Parts dated September 17, 2001.

Date: 2/18/02

  
Janice R. Pike  
Legal Assistant - IP Department  
Semitool, Inc.